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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,373	04/02/2004	David B. Cameron	4623C-000087	2562

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EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,373

Applicant(s)

CAMERON ET AL.

Examiner

Robert M. Fetsuga

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The disclosure is objected to because of the following informalities: Paragraph 0046, line 4, "116" apparently should be --118--, and line 5, "118" apparently should be --116--.

Appropriate correction is required.

2. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claim recites "the second end is rotatable relative to the first end about the generally vertical axis". This subject matter is not found in the originally filed disclosure and is therefore considered to be new matter.

3. Claims 34 and 35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 34 recites "the second opening is disposed below the flush tank in the drainage position". Claim 35 recites similar subject matter. This subject matter is not found in the

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originally filed disclosure and is therefore considered to be new matter. The second opening is only disclosed as being below the full fill level of the tank as is evident from paragraph 0052, lines 7-8. Note also paragraph 0054, lines 1-3, and paragraph 0055, lines 6-8.

4. Claims 1, 3-6, 20-23, 25-32, 34 and 35 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for spout ends rotatable/rotatably coupled by components, does not reasonably provide enablement for only relative rotation. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Applicant argues at page 12 of the response filed September 06, 2006 the spout is disclosed as including first and second rotatable components. The examiner agrees, and notes such is set forth in claims 2, 24 and 33. Therefore, the rejected claims do not include this subject matter, or claims 2, 24 and 33 would merely be redundant thereto.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made:

6. Claims 20-29, 35, 1-6 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sargent et al. and Link.

The Sargent et al. (Sargent) reference discloses a system comprising: a toilet 162 including a flush tank 170; a spout 220 including a first end 658, a second end 654, a first component 650, and a second component 670; and a cap 656. Re claim 35, the second end 654 can be positioned "below the flush tank" (col. 27 lns. 39-43) in the same sense as with applicant's disclosed invention. Therefore, Sargent teaches all claimed elements except for the relative rotatability of the spout first and second ends.

Although the first and second ends of the Sargent spout are not relatively rotatable, as claimed, attention is directed to the Link reference which discloses an analogous spout which

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further includes a first end 8 rotatable relative to a second end 11. Therefore, in consideration of Link, it would have been obvious to one of ordinary skill in the spout art to associate relative rotatability with the spout ends in order to facilitate draining of liquid.

Applicant argues at pages 14-15 of the response Sargent and Link are non-analogous art. The examiner can not agree.

Sargent discloses a water holding tank 170 on a vehicle which is filled to a desired level (col. 26 lns. 14-41). Link teaches a water holding tank (pg. 2 lns. 57-59) on a vehicle which is filled to a desired level (pg. 2 lns. 60-70). Therefore, Link is reasonably pertinent to the problem of vehicle water tank filling to which the Sargent disclosure is also involved.

7. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

8. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

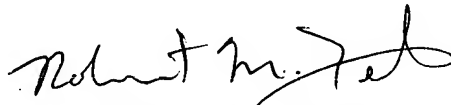
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", is positioned above the printed name and title.

Robert M. Fetsuga
Primary Examiner
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